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Attorneys for Verizon New York Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES M. PEERLESS, :
Plaintiff, : 11-CV-2139 (KBF)
: :
- against - :
: :
VERIZON COMMUNICATIONS INC., :
: :
Defendant. :
----- x

NOTICE OF MOTION
IN LIMINE

PLEASE TAKE NOTICE THAT upon the accompanying Memorandum of Law in Support of Defendant's Motion in Limine, and upon all prior pleadings and proceedings herein, Defendant Verizon New York Inc. (incorrectly named as Verizon Communications Inc.), by its attorneys Epstein Becker & Green, P.C., will move this Court, before the Honorable Katherine B. Forrest at the United States District Courthouse, Southern District of New York, Courtroom 15A, 500 Pearl Street, New York, New York 10007 for an Order:

- (a) precluding the testimony of Dr. Mark R. Killingsworth at trial; and
- (b) ruling the alleged damages about which Dr. Killingsworth proposes to testify are compensatory in nature and subject to a \$300,000 cap; and
- (c) ruling that any permitted testimony concerning what the Court holds to be economic damages be before the Court and not the jury; and

(d) for such other and further relief as may be just and proper.

Dated: New York, New York
September 14, 2012

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By:



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To: Jennifer L. Smith, Esq.
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